

UNITED STATES DISTRICT COURT

Middle District of North Carolina

RICHARD ANTHONY ARMSTRONG,)

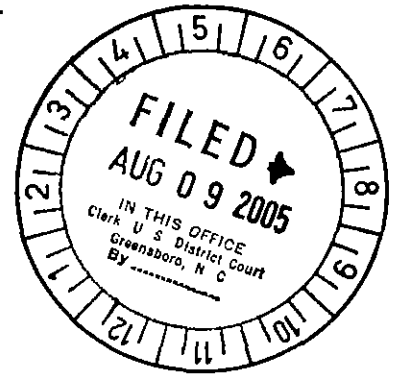
Petitioner,)

v)

THOMAS CARROLL,)

Respondent)

1 05CV234




O-R-D-E-R

On June 1, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation

IT IS HEREBY ORDERED AND ADJUDGED that Respondent's motion for summary judgment [Pleading no 3] be **GRANTED**, that Petitioner's petition for writ of habeas corpus [Pleading no 1] be **DENIED**, and that this action be, and is hereby, dismissed with prejudice Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued


UNITED STATES DISTRICT JUDGE

DATE August 9, 2005